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December 14, 2018

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Text-Enabled Toll Free Numbers
WC Docket No. 18-28; CC Docket No. 95-155

Dear Ms. Dortch:

Zipwhip, Inc., by its undersigned counsel, hereby gives notice that on December 6, 2018, it met with Ann Stevens, Deputy Division Chief, Heather Hendrickson, Assistant Division Chief, and Michelle Sclater, all of the Competition Policy Division of the Wireline Competition Bureau. In attendance on behalf of Zipwhip were James Lopic, Senior Vice President of Technology, and Steven A. Augustino of Kelley Drye & Warren LLP.

In the meeting, Zipwhip explained that the business texting market is growing and thriving in the absence of FCC regulation. Zipwhip noted that the Commission was proposing to classify SMS and MMS messaging as information services in Docket 08-7, based in part on the conclusion that competition is adequate in the wireless messaging market, including competition with OTT messaging services. Zipwhip stated that the Commission does not regulate the use of numbers as an addressing mechanism in OTT messaging (such as WhatsApp's use of numbers to identify the originator and recipient of a message) and it need not do so with respect to the use of toll-free numbers.

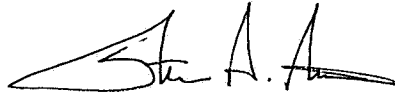
Zipwhip also discussed its processes for verifying the subscriber and the subscriber's control over a business number before text-enabling the number. Zipwhip explained that it follows the same verification procedures whether the business number is a VoIP, ten-digit landline or a toll-free number, and that businesses do not expect to have to follow different procedures for each type of number. Zipwhip explained that it markets to *the business* not to a particular number, and that text-enablement procedures should not be different simply because the business uses a toll-free number in its marketing to customers, rather than a landline number.

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Finally, Zipwhip stated that it does not experience a significant instance of business numbers (whether toll-free or not) being text-enabled without the subscriber's authorization. No party has produced statistical evidence of a market failure involving the verification of subscriber consent. The record contains only a handful of anecdotes that are based on partial information, are largely unverifiable and do not demonstrate a widespread problem.

Zipwhip files this summary of the oral *ex parte* presentation pursuant to Section 1.1206(b) of the Commission's rules. Due to an oversight by counsel, however, this notice is being filed a few days after the deadline established by section 1.1206(b)(2)(iii) of the rules. Counsel acknowledges the error but asserts that no parties are prejudiced by the slight delay in filing this notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven A. Augustino", with a stylized flourish at the end.

Steven A. Augustino
Counsel for Zipwhip, Inc.

cc: Ann Stevens
Heather Hendrickson
Michelle Sclater